

# **Trials**

The Court uses a two-month trailing docket. The Court will allow adjournments of a trial date only upon extenuating circumstances. Upon learning of a conflict in trial dates, the attorney should immediately call the Court Clerk and explain the situation. The Court will generally not require another member of an attorney's firm to handle the trial in the event of a conflict.

All exhibits must be listed in the joint final pretrial order and exchanged prior to trial. At the pretrial conference, each party will be assigned the numbers to be used for exhibits. Parties are encouraged to use a bench book of exhibits in non-jury cases. During trial, the Court Reporter retains custody of the exhibits. After trial pending appeal, the parties retain custody of the exhibits.

The Court encourages the exchange of trial briefs prior to trial. All motions *in limine* are to be incorporated into the joint final pretrial order and raised at the conference.

Motions in limine must be filed PRIOR to the pretrial conference unless basis for the motion is unknown at that time. Motions *in limine* are generally scheduled to be heard, if possible, prior to trial. If counsel becomes aware of the need for a motion *in limine* after the pretrial conference, opposing counsel and the Court should be notified immediately so that such a motion can be resolved before the trial date.

## **a. Non-Jury Trials**

Proposed findings of fact and conclusions of law are to be submitted at the conclusion of trial.

## **b. Jury Trials**

The Court may use the standard method or the strike method of jury selection. The Court will permit counsel a limited participation in the voir dire at the conclusion of the Court's questions. Specific requests for voir dire questions must be submitted in writing to the Court. The Court handles the exercise of challenges in such a manner that the jurors know which party has excused them (unless the strike method is used).

## **c. Miscellaneous**

The Court generally conducts trials between the hours of 9:00 a.m. and 1:00 p.m. The Court will, however, conduct trials in the afternoon if the schedule permits. The Court does not require counsel to request permission to approach a witness, but does prefer that counsel request permission to approach the bench.

Multiple counsel may not interrogate the same witness; however, counsel who gave the opening statement need not give the closing argument. The Court usually finds it unnecessary to impose limitations on opening and closing arguments or any other time limitations during trial. During the course of trial, the Court prefers that counsel use the podium when conducting witness examinations and arguments.

## **d. Jury Instructions**

Jurors are allowed to take the instructions to the jury room during deliberation. Depending on the circumstances, jurors may be permitted to take notes during a trial. Counsel should make every effort to agree on jury instructions and to submit to the Court a joint set of agreed upon jury instructions